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September 3, 2020

The Honorable Patrick J. Schiltz
United States District Court
14E U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

RE: *Shannon Miller et al. v. Board of Regents of the University of Minnesota*
Case No.: 15-cv-03740-PJS-LIB

Dear Judge Schiltz:

By this letter, plaintiffs Jen Banford and Annette Wiles request a Rule 16 scheduling conference to discuss case status and the need for a new scheduling order. The case was remanded from the Eighth Circuit Court of appeals on July 1, 2020. [ECF 725 and 726]. A status conference is needed to discuss a reasonable but efficient schedule to place the case back on track towards trial.

During the discussion of case status with Magistrate Judge Menendez it was clear a University-renewed summary judgment motion seeking dismissal of Plaintiffs' Title VII sexual-orientation-discrimination claims is inevitable. These claims were reinstated in light of *Bostock v. Clayton County Bd. Of Comm'rs*, 140 S.Ct. 1731 (2020) [ECF 725 and 726], which reversed the Eighth Circuit precedent upon which this court relied to summarily dismiss them.

The law has changed since the matter was initially briefed, and these reinstated Title VII claims are now the total focus of the plaintiffs' claims for relief. Evidence once deemed irrelevant is now relevant. Plaintiffs should be permitted to re-brief a renewed summary judgment motion seeking to dismiss these claims.

The University has advocated for no supplemental briefing, which highlights the need for a scheduling/case management conference and resulting court order. We anticipate a case status conference can and will be conducted remotely, and are equipped to participate in that manner at the Court's convenience.

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Thank you for your consideration.

Sincerely yours,

A handwritten signature in blue ink that reads "Sharon L. Van Dyck". The signature is written in a cursive, flowing style.

Sharon L. Van Dyck